

GLEN ROCK ZONING BOARD OF ADJUSTMENT
Minutes of the September 10, 2015 Meeting

The regular meeting of the Zoning Board of Adjustment was called to order by Chairman Bruce Beal at 7:30 p.m. In attendance: Diane Herrlett, William Mitchell, Janet Chen, Barbara Schineller, Denley Chew, Robert Bourne, Kay Tuite and Al Tarleton. Also in attendance was Spencer Rothwell, Esq., Board Attorney and Mark Berninger, Zoning Official. Board Secretary Nancy Spiller was absent. Mrs. Schineller called the roll and read the Sunshine Statement from the Open Public Meetings Act.

The Board reviewed the minutes of the August 5th work session and August 13th regular meeting. A motion was made by Mr. Bourne and seconded by Mrs. Herrlett and passed unanimously with Mr. Mitchell and Mrs. Chen abstaining from both meetings.

Old Business

Block 30, Lot 16

412 Ackerman Avenue

Applicant: David and Victoria Robinson

Memorializing resolution approving variance to expand an existing single family home which does not have a garage, as required by Borough Ordinance §230-18.

A motion to approve the memorializing resolution of David and Victoria Robinson, 412 Ackerman Avenue was made by Mrs. Herrlett and seconded by Mr. Bourne. The voice vote was as follows:

AYES: Mrs. Herrlett, Mr. Chew, Mr. Bourne, Mrs. Tuite, Mr. Beal

NAYS: None

Mr. Mitchell, Mrs. Chen, Mrs. Schineller and Mr. Tarleton abstained from voting. The resolution is attached to these minutes.

Block 131, Lot 7

44 East Gramercy Place

Applicant: Robert and Ayeda Rush

Memorializing resolution approving variance to construct rear yard deck, which will, if constructed, encroach into the required rear yard setback.

A motion to approve the memorializing resolution of Robert and Ayeda Rush, 44 East Gramercy Place was made by Mr. Bourne and seconded by Mrs. Herrlett. The voice vote was as follows:

AYES: Mrs. Herrlett, Mr. Chew, Mr. Bourne, Mrs. Tuite, Mr. Tarleton, Mr. Beal

NAYS: None

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Mr. Mitchell, Mrs. Chen and Mrs. Schineller abstained from voting. The resolution is attached to these minutes.

Block 115, Lot 44

792 Maple Avenue

Applicant: Diane and James Litvany

Memorializing resolution denying variance to reconstruct garage, construct second story addition and roof overhang which will, if constructed, encroach into the required front yard, front side yard, side yard, rear yard and exceed the permitted floor area ratio.

A motion to approve the memorializing resolution of Diane and James Litvany, 792 Maple Avenue was made by Mrs. Herrlett and seconded by Mr. Bourne. The voice vote was as follows:

AYES: Mrs. Herrlett, Mr. Chew, Mr. Bourne, Mrs. Tuite, Mr. Tarleton, Mr. Beal

NAYS: None

Mr. Mitchell, Mrs. Chen and Mrs. Schineller abstained from voting. The resolution is attached to these minutes.

New Business:

Block 127, Lots 22 and 23

432 Grove Street

Applicant: 432 Grove Sreet LLC

Zoning Officer made a determination that a proposed use of the property does not fall under the use variance granted by a previous owner. Applicant requests relief from that determination.

Robert Mansanelli, Esq. noted his appearance on behalf of the applicant. Mr. Mansanelli stated there was an interpretation or denial of this application for a CCO based upon two prior use variances that granted to the former property owner. The applicant will be storing landscaping equipment on this property for a business they own in New York. They do not conduct their business in New Jersey. There seems to be an opinion if the equipment were used for street sweeping versus landscaping there wouldn't be an issue and the municipality would have issued a CCO. As a result, Mr. Mansanelli commented the applicant is challenging this ruling and what they propose to use the property for is less intensified and there is no distinction between the equipment.

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Mr. Mansanelli referenced Mr. Berninger's denial letter of March 30, 2015 wherein it was stated that a motor vehicle or equipment repair shop is not be permitted in this zone. This is an irrelevant issue with this matter, as this property will be used strictly for storage of landscaping vehicles used in another jurisdiction.

Mr. Rothwell swore in Lisa Phillips, licensed planner. Ms. Phillips has a B.S. from Pennsylvania State Univ. Ms. Phillips is the current Zoning Officer in Ho-Ho-Kus. Ms. Phillips has appeared before numerous Boards as an expert witness in planning.

Ms. Phillips is familiar with the subject property, this application, the property history and the Borough's zoning ordinances.

Ms. Phillips presented Exhibit A-1, which depicted aerial images taken over several years and consisting of several pages. Exhibit A-2 are photographs Ms. Phillips took of the site and surrounding area in early spring. Ms. Phillips stated the site is fairly isolated and is accessed off of an easement from Grove Street. There is a one-story mason building on the property. As of 2014 there was no equipment stored on the property.

Mr. Mansanelli noted that the property was purchased (and closed upon) by the applicant on October 14, 2014. There was significant environmental remediation that occurred by the previous owner so consequently it wasn't until March 2015 that the current owner submitted an application for a CCO.

Ms. Phillips continued stating the applicant is appealing the Zoning Officer's determination based on the application that was filed. The original approvals for this property dated back 1968 and an amended application in 1983. Ms. Phillips noted that by looking at the images one can see that over time equipment storage and repair intensified. At some point in 2010 a complaint was filed for storing landscape equipment. Ms. Phillips read the violation letter, which was marked Exhibit A-3. Ms. Phillips stated in the violation letter it stated that a CCO could be possible for landscaping equipment, which leads her to believe this use is not contrary to a previous resolution.

Ms. Phillips referenced an Appellate Court decision from Pemberton County regarding junkyard businesses. The Court held that "when the original, or succeeding landowner violates the conditions of a variance, the variance is not automatically forfeited, instead a condition is enforced via a complaint for conjunctive relief with specific performance and other appropriate action brought by the municipality. If the failure to comply persists despite legal action to enforce the compliance then the remedies may include a declaration of the variances be forfeited and the use be unlawful."

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Ms. Phillips again referred to the images where it show, probably over 20 years, the use was constantly intensified or changed and nothing was done. Finally in 2010, a violation notice was issued.

Ms. Phillips believes Glen Rock's case is no different than the Pemberton case. The property is a single entity that is being used for storage with no repair work being conducted. Unlike the previous owner who appeared to be leasing out the property and had no control over events occurring on the property.

Mrs. Herrlett asked what would be involved in applying for a CCO.

Mr. Mansanelli explained in commercial properties when there is a change of ownership you are required to submit an application for continuation of Certificate of Occupancy.

Mr. Mansanelli asked Ms. Phillips if, in her professional opinion, the prior use variance run with the land to the successor owner. Ms. Phillips replied yes, adding she does not see any distinction between street sweeping equipment and landscaping equipment when it comes to storage.

Mr. Bourne questioned Ms. Phillips if she ascertaining that the town was aware of the increase in intensity for this property.

Ms. Phillips replied the aerial photographs show that over time the intensity increased; however until there was a complaint the town most likely was not aware due to the remoteness of this property.

Mr. Bourne asked if there was any proof that the town was aware of the equipment not being street sweeping but rather landscaping equipment prior to 2010. Ms. Phillips replied she has no direct knowledge of this.

Mr. Mansanelli replied they OPRA'd the records for this property. These records did not contain inspection reports required for commercial properties. Fire Prevention is required to perform these inspections.

Mrs. Herrlett asked if Mr. Berninger has the authority to interpret any variances pertaining to use variances.

Mr. Mansanelli replied that is exactly why we are here to appeal Mr. Berninger's findings.

Mr. Beal stated the variance states exactly what can and cannot be done. Mrs. Herrlett is asking that if the variance states street sweeping equipment does Mr. Berninger have the authority to interpret that as landscaping equipment as well.

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Mr. Bourne clarified that Mr. Mansanelli is saying that since a negative condition has been allowed to exist for a period of time then that allows us to go forward and in essence the Borough gives up its complaint.

Mr. Mansanelli replied yes, that is the argument under the Pemberton case.

Mr. Bourne referred to the aerial photos and noted in 2001 the site is messy, in 2007 the site is substantially cleaned up and then in 2010 it is messy again and complaints are received. This condition looks like an on again off again situation.

Ms. Phillips argued the photographs showed that there wasn't just street sweeping equipment on site and definitely more than four pieces of equipment.

Mr. Bourne commented he finds it difficult to believe that this condition has existed 10-20 years, as the pictures don't support that argument.

Mr. Beal asked how many landscaping vehicles we are talking about on the property.

Mr. Bourne commented he visited this site when the application was first submitted (May/June 2015) and what these pictures don't show are the snow plows and other miscellaneous equipment. Mr. Bourne asked if that equipment is tied in to this owner as well.

Mr. Mansanelli replied as previously stated there was a substantial amount of environmental clean-up that needed to be done on this site. He believes the equipment Mr. Bourne is referring to has to do with the remediation. Mr. Mansanelli added he is still hold a substantial amount of escrow and has not received a final confirmation that this work is completed.

Mr. Tarleton asked if the aerial photographs entered into evidence were the only ones chosen.

Ms. Phillips replied those are the only photographs that were available on Google Earth, adding she would have liked to have had additional photographs however they were not available.

There were no further comments from the Board or anyone in the audience for this witness.

Mr. Mansanelli swore in Victor John, principle owner of the applicant property. Mr. Mansanelli stated the acquisition of this property occurred in October 2014 to which Mr. John agreed. Mr. Mansanelli asked what the applicant is doing with this property as it relates to the landscaping business conducted in New York.

Mr. John replied he has retired and has found himself in a position where he needed property to store landscaping equipment. Mr. John stated the property has not been used since February as the oil tank was damaged and there was no water to the buildings. This is currently being

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repaired. Mr. John hopes to eventually sell the majority of equipment. Currently there are six bobcat tractors and miscellaneous attachments, including street sweeping equipment for parking lots. Mr. John itemized the equipment on site as six bobcats, two sweepers and three plow attachments (for the bobcat).

Mr. Mansanelli referred to one of the entered photographs, which Ms. Phillips took, and asked if this accurately depicts the current property condition.

Mr. John replied that it does.

Mr. Bourne asked if the inside of the building is completely utilized, would it be possible to store some of the equipment inside the building.

Mr. John stated currently two bobcats are stored inside, adding he could possibly store two more inside; however he doesn't anticipate the equipment to be there long as it is all for sale.

Mrs. Schineller asked what Mr. John plans to do with the property once the equipment is gone.

Mr. John replied his operation is much smaller and thus does not require as many pieces of equipment.

Mr. Mansanelli clarified that since the property was acquired Mr. John has not conducted activity on this site. Mr. John has a business in New York City and when the need arises Mr. John (not a contractor) would move the equipment to New York City.

Mr. Tarleton asked the primary purpose of a bobcat.

Mr. John replied landscaping and snow removal.

Mr. Mitchell asked how many pieces of equipment will be left once Mr. John sells the equipment he wants to.

Mr. John replied most likely two bobcats, which are kept outside year round.

Mr. Beal commented he doesn't understand why someone would purchase two acres of property to simply store five-six bobcats.

Mr. John replied initially he was looking for a smaller piece of property; however when this property became available, at a very attractive price, Mr. John decided to purchase it.

Mr. Mansanelli stated Mr. John has testified that it is strictly his intention to store four bobcats outside and two inside the building, with no activity occurring on the property. The activity that has happened on this property since October is the environmental remediation.

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Mr. Bourne asked if the applicant is asking the Board to essentially bless the argument of the Planner that this space has been abused for years and therefore can be expanded on and the applicant can go beyond it use.

Mr. Mansanelli replied the applicant's argument is just the opposite. The applicant is not seeking to expand the intensity of the use or nature of use. All the applicant is asking is to store his existing equipment that is used for his landscaping business without further intensity of the property.

Mr. Bourne added and within the limits of the 1983 variance with the definition adapted to say that landscaping equipment also includes street sweeping equipment.

Mr. Mansanelli commented there were several conditions imposed with this variance which were:

- There would be no servicing of equipment
- There would be no sale or maintenance of other vehicles on site
- Parking shall be limited to four vehicles
- No sale, use or leasing of new or used cars, buses or trucks

Mr. Mansanelli stated the applicant is asking the Board to not be so literal with their interpretation of the use of this property and is asking the Board to acknowledge that the denial of the CCO application was too aggressive and the applicant be allowed to use this property as it currently is. The applicant would agree not to enlarge, intensify or do anything in opposite of what was in the prior resolution, conditions 5-8.

Mr. Mansanelli reinforced the fact that the applicant has actually decreased the use and intensity of this property from what was previously there.

Mr. John added that bobcats are quite a bit smaller than street sweeping equipment.

Mr. Tarleton questioned that the ordinance says landscaping equipment. Does this mean the applicant could bring in any size landscaping equipment?

Mr. Mansanelli replied it could; however, he is going to avoid that as the applicant is willing to stipulate that what you currently see there is what is going to stay.

Mr. Mitchell clarified Mr. John's objective to sell enough equipment to get to two pieces of equipment. Mr. Mitchell noted that the ordinance says commercial use, yet here we have an applicant who is selling off his commercial equipment and keeping two pieces for personal use.

Mr. John replied he does not have an answer for the use.

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Mr. Beal noted the applicant has downsized his business considerably; however, he still has contracts with the city of New York where the two remaining bobcats would be used.

There were no further questions from the Board. Mr. Beal asked if there were any comments from anyone in the audience.

Mr. Rothwell swore in Chris Houghton, 460 Grove St., Ridgewood - Mr. Houghton questioned if Mr. John ever had upwards of ten bobcats and dumpsters on the property, as his wife has witnessed such. Mr. Mansanelli objected to the question as Mr. Houghton is assuming facts that are not in evidence. Mr. Houghton rephrased the question. Mr. John stated it is possible that there have been more than five bobcats on the property. Mr. John noted that the dumpsters were part of the environmental remediation.

There were no further comments from anyone in the audience.

Mr. Rothwell swore in Mark Berninger, Borough Zoning Officer.

Mr. Beal asked Mr. Berninger's take on this application after hearing the testimony.

Mr. Berninger replied he has visited this property quite frequently, even prior to the current owner. Mr. Berninger depicted the timeline of events for this property which included

- Complaints were received, Mr. Berninger visited the property and found an abundance of landscaping equipment and owners. This was remediated after some time.
- At this point the place was clean and appeared to be under control
- A call was received from the Fire Official as it appeared new ownership had occurred
- The property had indeed been sold to Mr. John
- Mr. Berninger observed a bobcat in the building, as well as an engine out of the machine on a lift. This is where Mr. Berninger surmised that repairs were being done on location.
- A red violation sticker was placed on the building, as Mr. Berninger was unaware of how to contact the new owner
- Mr. Berninger researched the 1983 variance and interpreted it as he saw fit, which brings us to today's hearing

Mrs. Schineller commented obviously is there was an engine on a hoist this is not storage.

Mr. Berninger agreed there were a number of bobcats and noted the engine is the only sign of repair on site.

Mr. Rothwell asked if the language was so specific in its wording that is how Mr. Berninger composed his denial letter. Mr. Berninger agreed stating he took the variance word for word and this is what his decision was based upon.

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Mr. Berninger never engaged in any conversation, on his visits to the property, with the occupants of the property.

Mr. Rothwell asked how many bobcats Mr. Berninger witnessed on the property.

Mr. Berninger replied he would estimate between five and eight, noting none of the vehicles were licensed so he was unable to determine ownership of the vehicles.

Mr. Berninger believes there were more vehicles on the property than the submitted picture depict, which was 6-8 months ago.

Mr. Berninger never saw any street sweeping attachments, either on or off the bobcats.

Mrs. Herrlett asked if Mr. Berninger believes it is his job to enforce the law and not interpret it.

Mr. Berninger replied, absolutely.

Mr. Mansanelli asked Mr. Berninger when he was last on the property.

Mr. Berninger replied months ago.

Mr. Mansanelli stated that Mr. Berninger's letter is dated March 30, 2015 and asked if he has been to the property since this letter.

Mr. Berninger replied he has not.

Mr. Mansanelli asked if Mr. Berninger has any reason to challenge with what is represented in the photographs after seeing them tonight and hearing tonight's testimony that what led Mr. Berninger to issue the March 30th letter may indeed not exist anymore.

Mr. Berninger replied correct.

Mr. Mansanelli asked Mr. Berninger ever saw the street sweeping equipment and, if so, how large was it.

Mr. Berninger replied he did see it and replied it was approximately the size of a pick-up truck or taller.

Mr. Mansanelli asked from a Zoning point of view does Mr. Berninger find one use more intensive than the other; street sweeping versus landscaping equipment.

Mr. Berninger replied he does not believe he can answer that question.

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Mr. Rothwell interjected this is the type of question that would be asked of an expert.

Mr. Mansanelli replied as a factual witness and zoning official did you observe the equipment that was stored outside to be larger than what is presently there.

Mr. Berninger replied the equipment observed was smaller than the street sweeping equipment.

Mr. Mansanelli asked if Mr. Berninger has observed any additional maintenance work since the issuance of the March 30th letter, i.e. engines on lifts.

Mr. Berninger replied he has not.

Mr. Mansanelli asked if the Board permitted Mr. John to keep four bobcats outside and the 1983 conditions were adhered to would this address any concerns Mr. Berninger may have in that the property use would not be intensified.

Mr. Berninger agreed, noting that a decision of the Board to which he would have to abide by.

There were no further questions or comments from the Board. Mr. Beal asked if there were any from the audience.

Mr. Rothwell swore in Peter Gillen, 432 Grove Street - Mr. Gillen commented that since the previous owner has vacated the property and the new owner is there the property is a lot quieter. Mr. Mansanelli asked if Mr. Gillen has noticed any activities on site contrary to Mr. John's testimony. Mr. Gillen replied Mr. John's testimony is accurate. Mr. Gillen noted he would have no objection to the use of the property continuing as it is.

Chris Houghton, 460 Grove Street (still under oath) - Mr. Houghton stated it has only been within the past five years that this property got out of control. Mr. Houghton commented he was the enforcer of this variance as they reported the increased traffic, noise and activity.

Mr. Beal commented a neighbor is usually the first to notice any changes in property use. Mr. Beal asked Mr. Houghton if he agrees with Mr. Gillen that things have definitely gotten better. Mr. Houghton agreed. Mr. Houghton asked how a residential zone could have commercial use. Was this a temporary accommodation to a local business?

Mr. Rothwell noted that all variances run with the land, regardless of the owner.

Mrs. Herrlett commented that when a variance is granted we have to trust that the applicant is going to do the right thing. Neighbors are our watchdogs and will continue to be.

There were no further questions or comments from the audience of anyone on the Board.

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A motion was made by Mrs. Schineller to overturn the Zoning Official's denial letter based on testimony heard this evening. The motion was seconded by Mr. Bourne. The voice vote was as follows:

AYES: Mrs. Herrlett, Mrs. Chen, Mrs. Schineller, Mr. Bourne, Mr. Beal

NAYS: Mr. Mitchell, Mr. Chew

The resolution will be memorialized at next month's meeting.

Block 10, Lot 1

118 Forest Road

Applicant: Refined Homes Investor, LLC

Applicant proposes to construct second story addition and two story addition which will, if constructed, encroach into the required front side yard. Applicant seeks relief from Borough Ordinance 230-22(B), where 37.5' front side yard setback is required, 20.04' is proposed, a difference of 17.46' and any other variance or waivers that are required in connection with this application.

Mark Flusche, Esq. noted his appearance on behalf of the applicant. The applicant is proposing to enlarge an existing ranch into a colonial. One variance is being sought for the front side yard.

Mr. Rothwell swore in Raul Mederes who is the architect for this project. Mr. Mederes has a B.S. in architecture, is licensed in New Jersey since 2010. Mr. Mederes has done work in Glen Rock; however, has never appeared before Glen Rock. Mr. Mederes has been qualified as an expert in his field in numerous New Jersey towns.

Mr. Mederes stated the lot is a non-conforming, undersized. The lot shape is also non-conforming. The existing house is also non-conforming with a 4.37' side yard where 8.4' is required. The front side yard is also non-conforming where 20.21' is existing and 37.5' is required. The original house was built in the 1950's with a one car garage. The applicant is proposing a master bedroom suite on the second floor as well as updating. The addition and improvements being proposed conform to EGFAR guidelines.

The proposed second floor and rear addition is designed to conform to the required side yard setback. The proposed height is also compliant. The variance is 20.04' distance as opposed to 20.21' that currently exists. Mr. Mederes noted that the difference between what the applicant is proposing and the neighboring property is approximately 4.5'.

Mr. Mederes commented the applicant has made a large effort to soften the appearance of the house all while keeping the characteristics of the home complimentary to the surrounding homes.

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Mr. Beal commented it appears this application is slightly over the EGFAR.

Mr. Bourne asked if Mr. Mederes sees any detriment to the neighboring properties.

Mr. Mederes replied the house next door is already two stories which the proposed addition would be in keeping.

Mrs. Schineller commented that this home will be much larger than the homes on Forest.

Mr. Tarleton asked if some of the trees would need to be removed.

Mr. Mederes replied the trees that are on the property currently will stay as most of them are either town trees or the neighbor's trees right on the property line.

Mrs. Herrlett asked if any alternatives were considered so a variance would not be necessary.

Mr. Mederes replied the idea was not exploring since this is a corner property. The idea was to preserve as much of the rear yard as possible.

Mr. Beal went back to the EGFAR calculations. The application states the permitted square footage is 3122.94. The application also states the total coverage is 3123 square feet.

Mr. Mederes stated on his plans it states the applicant is proposing 3119 square feet. Mr. Mederes referred to his plans which reflect 3119 in numerous places. Mr. Mederes understands the concern and they will either reduce the addition by a few feet or simply be aware of the accuracy of the measurements.

There were no further questions from the Board or anyone in the audience.

A motion was made by Mr. Chew and seconded by Mrs. Chen to approve the application of Refined Homes Investor, LLC, 118 Forest Road. The voice vote was as follows:

AYES: Mrs. Chen, Mrs. Schineller, Mr. Chew, Mr. Bourne, Mr. Beal

NAYS: Mrs. Herrlett, Mr. Mitchell

The resolution will be memorialized at next month's meeting.

Block 151, Lot 2

20 Ridge Road

Applicant: Jennifer and Michael Casas

Applicant proposes to construct extension of front porch which will, if constructed, encroach into the required front yard. Applicant seeks relief from Borough Ordinance 230-54B, where 50' front yard is required, 45' is proposed, a difference of 5' and any other variances or waivers that are required in connection with this application.

Mr. Rothwell swore in Jennifer Casas, applicant. Mrs. Casas is seeking a 5' variance for an extension of her front porch. Mrs. Casas distributed architect plans which are clearer than the plans discussed at the work session. Mrs. Casas noted that the porch overhang is now a full overhang and not partial.

Mrs. Casas stated the purpose of the overhang is to improve the aesthetic appeal of the home. The overhang will go the entire length of the porch with the addition of two columns for support.

Mr. Mitchell asked if this porch will stay open-air. Mrs. Casas replied yes it will remain open.

There were no further questions from the Board or anyone in the audience.

A motion was made by Mrs. Schineller and seconded by Mrs. Chen to approve the application of Jennifer and Michael Casas, 20 Ridge Road. The voice vote was as follows:

AYES: Mrs. Herrlett, Mr. Mitchell, Mrs. Chen, Mrs. Schineller, Mr. Chew, Mr. Bourne,
Mr. Beal
NAYS: None

The resolution will be memorialized at next month's meeting.

Block 115, Lot 44

792 Maple Avenue

Applicant: Mr. & Mrs. James Litvany

Applicant proposes to reconstruct garage destroyed by fire, construct second story addition over garage, construct entry roof over rear stairs, construct stairs on side yard and construct roof overhang requiring multiple variances. Applicant seeks relief from Borough Ordinance 230-54(B) where 50' is required, 35' (front roof) is proposed, a difference of 15', 230-22(B), where a front side yard of 37.5' is required, 33' (rear entry roof on Rodney St.) and 34.5' (second floor addition) are proposed, a difference of 4.5' and 3.0' respectively, 230-54(D) where a rear yard of

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30' is required, 22.8' (second floor addition) is proposed, a difference of 7.2' and 230-54(C), where side yards of 7.5' and 8.0' are required, .5' (side steps) and 3.3' (front roof) are proposed, a difference of 7.0' and 4.7' respectively and any other variances or waivers that are required in connection with this application. This application will not be discussed at the September 2, 2015 work session.

Mr. Rothwell swore in James Livany, 792 S. Maple Avenue and Albert Martorano, architect for the applicant. Mr. Rothwell noted that Mr. Martorano was previously accepted as an expert by this Board.

Mr. Beal recused himself from this application and Mrs. Herrlett presided.

Mr. Martorano stated the applicant has revised his application to eliminate two variances. The EGFAR variance has been eliminated and the side yard setback of the second floor addition has also been eliminated.

The existing house is a two-story Colonial with a one-story portion which houses the garage. The corner lot is irregular in shape and severely undersized at 8015 square feet which is only 57% of the required 14,000 square feet. The house suffered major fire, water and smoke damage. The existing structure is non-conforming in the setbacks; however, due to the fire variances are not required.

The applicant would like to address five issues with the home. First, they would like to cover the front platform (facing Maple Avenue) with a roof. Secondly, they would like to redirect the stairs from facing Maple Avenue to facing the rear of the property. Thirdly, they would like to add central air conditioning. This was eliminated as a variance is not necessary for compressors located in the front yard. Fourth, the Rodney Street entrance, which will be the main entrance to the home they would like to add a roof over this entrance. Finally, they would like to enlarge the second floor to allow all the rooms to have closets, essentially a master suite and bedroom closets.

The previous application was approximately 110 square feet larger. The applicant eliminated a stairwell and put in pull-down stairs which helped eliminate the EGFAR, as well as some square footage on the second floor.

Mr. Martorano requested the variances be bifurcated before voting.

Mrs. Herrlett commented that the Board's main concern was the EGFAR and doesn't see a need to bifurcate. The Board agreed.

Mr. Chew asked compared to the house before the fire what is the square footage difference.

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Mr. Martorano replied the house is 302 square feet larger, less than 10%. This will give the house a master bedroom.

Mrs. Herrlett asked if there were any questions or comments from anyone in the audience.

Mr. Rothwell swore in Alyssa Moore, 87 Rodney Street. Ms. Moore expressed her full support for this applicant and their application. No one in the neighborhood has any objections.

There were no further questions or comments from anyone on the Board or in the audience.

A motion was made by Mrs. Chen and seconded by Mr. Bourne to approve the application of Mr. and Mrs. James Litvany, 792 Maple Avenue. The voice vote was as follows:

AYES: Mrs. Herrlett, Mr. Mitchell, Mrs. Chen, Mrs. Schineller, Mr. Chew, Mr. Bourne,
Mrs. Tuite

NAYS: None

The resolution will be memorialized at next month's meeting.

As there were no further residents wishing to be heard, a motion to adjourn the meeting was made by Mrs. Chen, seconded by Mrs. Schineller and passed unanimously. The meeting adjourned at 9:47 p.m.

Respectfully submitted,

Nancy Spiller
Board Secretary